

(2) proof the conduct caused fear of death or sexual assault...,

(3) proof the defendant intended to, or knew the conduct caused this fear.

In Parker, Va. High Court has applied another element.... An objective reasonable fear element was meant to protect a person who engage in non-life threatening conduct from surprise prosecution.... This is so the feelings-of-fear element by any complainant will be genuine. The issues raised were dismissed in a prior court action by Barbara herself. Barbara had cause to file the first charge based on issues presented on her written statement **appendix-27a** she accepted and dismissed that issue, based on that fact there was no cause of action to charge stalking, her second statement was surprise prosecution, **appendix-23a**.

In a case for *Res Judicata v. collateral estoppel*, imbedded in the Double Jeopardy clause of the U.S. Const., the Virginia Court has said, in part:it is sufficient that the status of the suit was such that the parties might have had there suit disposed of IF they had presented all there evidence.... Virginia has used these preclusive effects interchangeably: Highsmith v. Commonwealth, 489 S.E.2d 239, 243-44 (1997); Neff v. Commonwealth, 569 S.E.2d 72 (2002) Evidence presented to the court was based on the complainant's own feelings and were dismissed by that complainant, on request by that complainant.

In a case where the 'ends of justice exception' to Virginia's rule 5A-18: embedded within the due

process clause of the Fourteenth Amendment, Virginia Court has said, in part:the record must 'affirmatively' show a miscarriage of justice has occurred..... Appellant must demonstrate he or she was convicted for conduct that was not a criminal offense....

This exception 'should have' given Virginia Courts a reason to accept the Constitutional and moral arguments raised in a petition and give the court that reason to analyze legal / constitutional issues raised in the petition whether the issues were or were not raised during trial, the evidence suggest these issues were clear during and after trial.

In a case where perjury under Virginia code § 18-2.435 has been committed the Virginia Courts have ruled, in part: ...it is not necessary to prove which statement under oath was false....

In a case for Actual Fraud under Virginia code § 18.2-434, the key elements are weather misstatements were believed to the detriment of the defendant and weather the statements were made intentionally and knowingly.

In arraignment Judge Bonnie Jones asked me to speak, asking me what the emails meant, I started to speak but Frank Edgar (Barbara's attorney for the civil case) yelled over my voice "You were going to murder her, you were going to slaughter her!!" Judge Jones didn't say a word to Edgar. I stopped speaking, very shaken: dressed in an orange jumpsuit and handcuffs.

Prior to trial in the District Court I was offered an "Alford Plea"...that's a guilty plea so I rejected the deal, I did not find that out from my Attorney J.B. Thomas, he didn't help at all even though he was my attorney on Barbara's initial complaint. He was no more than a "puppet" for the Commonwealth.

In the District Court Judge Albert Patrick had more than a good idea what the case was about, this same Judge presided over a hearing for the civil suit, during that hearing Judge Patrick didn't ask me anything, he only said to Frank Edgar "Mr. Edgar how long will this trial take?" Edgar responded with a time limit a then stated "there's a lot of background here" Judge Patrick responded "Yeah, I know" after a moment we both left the court room. At trial the Judge's statements were "Don't help him Mr. Thomas" (my defense attorney) and at the end of trial " If you (referring to me) had not sued her she (Barbara) would have left this alone". This is the "ol'-boy network" I argue that the Virginia Courts knew this was a re-statement of a previous case. Prior to trial in the Circuit Court I was denied a Bill of Particulars appendix-11a, I had a right to know what evidence was being used for stalking.

In Circuit Court Judge Christopher Hutton closed off the court room, there were no other people allowed. The Judge listened as Barbara submitted no information consistent with stalking. The Judge even sighed a bit when he wasn't getting any information that would justify a conviction. Barbara's second written statement was not in the record in this court. Barbara was asked question by Myself and the

Commonwealth Attorney Karen Rucker. Commonwealth presented a case with the correct chronology: Barbara received unwanted emails, gifts, phone calls and saw me outside her house making phone calls; that Barbara took out a warrant, got a charge and dismissed the charge, then got sued. Upon cross of Barbara I reaffirmed that chronology by question-and-answer as I did with other witnesses. As I tried to submit emails written from Barbara-to-me Judge Hutton would not allow me to submit them.

I believe Judge Hutton had some "pre-conceived notion" or misinformation on what this trial was going to be about. At the second cross exam of Barbara Judge Hutton asked me what the significance of the emails were. I answered by telling the Judge how they were misinterpreted by Frank Edgar to have me arrested. Until that question by Judge Hutton there was no evidence presented by the Commonwealth Attorney Rucker, or Barbara that satisfy a conviction (This fact was left out of both Statements of Facts).... I didn't consider an open statement by a person representing himself as testimony, then have it used to convict without argument...but Judge Hutton did. Commonwealth Attorney submitted a Statement of Fact that did not proffer one statement, or question-an-answer. Judge Hutton took that one statement by me, of one email, and used it to convict.

On a Written Statement of Fact several months later Commonwealth Attorney rearranged the chronology in that Statement of Fact to seem as though that one email came AFTER Barbara's March 13, 2003 dismissal of her initial criminal complaint appendix-

28a, 19a (3rd para), Judge Hutton signed the Commonwealth's Statement of Fact as "fact" without argument, a few months prior Judge Hutton denied My Motion for Reconsideration even though chronology was pointed out and the email evidence, submitted by the Commonwealth, was consistent with that Motion for Reconsideration and the record, again this Is indication to me that the Virginia Courts knew or reasonably should have known this case was bogus.

In the Court of Appeals, where they are suppose to hear a case *de novo* when legal issues are raised, the Court rejected My petition for appeal which referenced chronology; plead insufficient evidence and double jeopardy, and the 'ends of justice' exception was requested. Barbara's second written statement did not transmit with the record, it 'should not' have been seen by the Appeals Court. Commonwealth Attorney submitted an Oppose Brief that was incompetent in fact, legal citations and inconsistent in chronology, the Appeals Court's *per curiam* opinion appendix-4a, 5a, 6a ADDED to the Commonwealths misstatements in order to satisfy the "...on more than one occasion...." element of the Virginia Stalking law.

The emails were; non-threatening, undefined, uncorroborated, letters between Me and Barbara. The emails are about reconciliation. Even if the assignments of error were not the proper ones, if my argument didn't appeal to the Courts, if the Courts didn't like the civil suit against Barbara, these are no reasons to manipulate the chronology and accept a lie to justify a verdict where no crime was committed.

The Virginia Court system made findings that were inconsistent with....everything. What the Virginia Courts did with this case is indication of a problem within the Virginia Court system... I argue that at this stage the Virginia Couyrts also had enough information to determine that my constitutional rights were violated.

In the Virginia Supreme Court I submitted emails between Me and Barbara that I was not allowed to submit in the lower courts. I also requested from the State's High Court a written Request for Information concerning memorandum opinion, or any contacts between the High Court and the Lower Courts and was ignored, and the conviction was affirmed.

ARGUMENT

I have three fundamental contentions I would hope to develop in this stage of my petition to the U.S. Supreme Court Court:

(1) That no State in this Country has within it's authority, under the Due Process clause of the fourteenth Amendment, to convict a person of a crime where there is no evidence.

In Thompson v. Louisville, (1960) 362 U.S. 199, 4 Led 2d 654, 80 S. Ct. 624 and 80 ALR 2d 1355 the U.S. Supreme Court held that this was a conviction on no-evidence and the conviction was overturned.

In Virginia, the Va. Supreme Court rule 5A:18 has contained within it an 'ends of justice' exception that allows the high Court to overturn a verdict when the record 'affirmatively' shows a miscarriage of justice as defined in Mounce v. Commonwealth; Redman v. Commonwealth.

I argue that this provision is, in effect, part of the due process clause of the U.S. Constitutional guarantee when there is no evidence given to a court. In Thompson v. Louisville, 362 U.S. 199, 4 Led 2d 654, 80 S. Ct., 624 (1960), the United States Supreme Court held that a defendant's conviction was unconstitutional under the due process clause of the Fourteenth Amendment. The U.S. Supreme Court has also stated in Thompson, that when a prosecutor presents no evidence.... there is no evidence to convict.

I argue that the record and petition contained the required information that should have alerted the Court of Appeals and the Va. High Court that the emails, as read, contain NO threat to Barbara, that Barbara's written statement is proof there was no fears as required by statute, that Barbara, after her request for dismissal, had no cause of action to re-write a stalking complaint:

- (2) That no State in this Country has within its authority, under the Due Process clause of the Fourteenth Amendment, to change or add to the information in any document in hopes to fit a crime or to submit false or fraudulent documents or information.

In Mooney v. Holohan, (1935) 294 U.S. 103, 79 L. Ed. 791, 55 S. Ct. 340 98 ALR 406, reh den 294 U.S. 732, 79 L. Ed. 1261, 55 S. Ct. 511

involving the validity, under the due process clause, of a state court conviction of a crime following a trial at which the state introduced perjured testimony, in which it was said that the due process requirement is not satisfied, as regards a prosecution for crime in a state court, by mere notice of a hearing." If a state has contrived a conviction "through the pretense of a trial which in truth is but used as a means of depriving a defendant of liberty" through a deliberate deception of court and jury by the presentation of testimony known to be perjured.

I argue that it's not in any Court's authority to allow a person re-stated their claim AFTER a civil suit, this change in the chronology of a record was in hopes that it would fit a crime.

Commonwealth Attorney misstated the send and copy dates on One email after trial in the circuit court and after a motion for reconsideration was filed. The Va. High Court looked-the-other-way in reference to my petition. Only a grossly negative person could have made-up the sinister meanings to the emails, the Appeals Court accepted a log of phone calls by date but not electronic emails; where dates are printed by a computer, the Appeals Court further made-up a chronology to fit the 'On more than one occasion' element of stalking and to get around double jeopardy. Both the prosecutors' and the Appeals Court's

statement and opinion were inconsistent with the record. For some reason the Va. High Court didn't see these as a 'miscarriage of justice'.... I argue that it was a violation of the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution:

(3) The Double Jeopardy clause of the Fifth Amendment provides that no person shall be put in jeopardy twice for the same offence once an acquittal or dismissal has been reached in a prior court by a jury or judge is final.

In Richardson v. United States, 468 U.S. 317, 104 S. Ct. 3081, 82 L. Ed. 2d 242, U.S. Dist. Col (1994) Justice William H. Rehnquist wrote for the majority sighting that a defendant could appeal the denial of the double jeopardy claim, the majority rejected the double jeopardy challenge by sighting "continuing jeopardy". The majority ruled that double jeopardy applies only if first or original jeopardy was "terminated".

I argue that in this case on petition there was a jeopardy-terminating event. I will also argue that the Va. Appellate Courts should have reviewed my insufficient evidence claim and res judicata claim.

In 80 Va. L. Rev. 1379, 90 A.L.R. 3r 203 (1966 & supp 1993), Ashe v. Swenson, 397 U.S. 436, 445 (1970), 58 U. Cin L. Rev. 1, 1 (1989)

Issue preclusion, where res judicata & Collateral estoppel are interchangeable, states that when an issue of fact or law has been litigated and determined by a valid and final judgment, and

the determination is essential to the judgment, the determination is conclusive in a subsequent action between parties, whether on the same or a different claim.

Issue preclusion has been held by the U.S. Supreme Court to be rooted in the Fifth Amendment guarantee against Double Jeopardy.

I argue that in this case on petition, viewing the evidence in the true and proper chronology consistent with the record, this Court will understand that Constitutional violations occurred. Instead, the Va. Court system changed the chronology inconsistent with the record. The Commonwealth Attorney and the Appeals Court misstated the facts and those misstatements were believed by the Va. Supreme Court.

REASONS WHY WRIT SHOULD ISSUE

The reason the Writ should issue is that the order affirming the conviction of the petitioner is unconstitutional; a Writ of Certiorari issued by the U.S. Supreme Court is the sole remedy available to petitioner to obtain review of the conviction. Based on sufficiency of evidence double jeopardy and Virginia's 'ends of justice' exception: the language in the emails; the dates of the emails; the dismissal of a prior court action; the conflicting statements by a complainant; the misstatements in the Opinion verses the Statement of Fact; the conflicting statements of the Opinion verses the Statement of Fact, and the conduct of the Courts,

ALL in record 042417 held in the Virginia Supreme Court, this conviction is unconstitutional.

FOR THESE REASONS, petitioner requests that the U.S. Supreme Court allow this Writ to issue and offer such other and further relief as the court may deem proper.

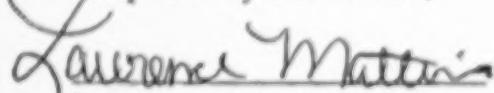
CONCLUSION

I am left with a feeling that Virginia Courts believe they can do whatever they want, that when persons represent themselves the Court can change things in statements that would suit their need. If it was just my word against theirs...that's one thing, but in this case My word AND the Record corroborate each other.

This feeling is also justified based on the 'no response' to a request for information where I asked the Va. high Court if they had any communication with the Va. lower Courts.

What remains is: the Va. Courts altered the chronology, inconsistent with facts in the record, to fit a crime to justify a conviction.

Respectfully submitted,


Lawrence Mattison
34-1A Twin Lakes Circle
Hampton, Virginia 23666
(757) 508-0400

APPENDIX

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VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 18th day of March, 2005.

Lawrence Mattison,

Appellant,

against Record No. 042417
Court of Appeals-
No. 3045-03-1

Commonwealth of Virginia,

Appellee.

[ENTERED: March 18, 2005]

From the Court of Appeals of Virginia

Upon review of the record in this case and consideration of the argument submitted in support of and in opposition to the granting of an appeal, the Court refuses the petition for appeal.

Justice Keenan took no part in the consideration of this case.

A Copy,

Teste:

Patricia L. Harrington, Clerk

By:

/s/

Deputy Clerk

VIRGINIA:

*In the Court of Appeals of Virginia held on Friday
the 4th day of June, 2004.*

Lawrence Mattison,

Appellant.

against Record No. 3045-03-1
 Circuit Court
 No. 650GR03000910-00.

Commonwealth of Virginia,

Appellee.

From the Circuit Court of the City of Hampton

[ENTERED: June 4, 2004]

Per Curiam

-

This petition for appeal has been reviewed by a judge of this Court, to whom it was referred pursuant to Code § 17.1-407(C), and is denied for the following reasons:

I. The trial court convicted appellant of stalking Barbara Bryson in violation of Code § 18.2-60.3. On appeal, appellant contends the trial court erred in not applying the principles of *res judicata* to the stalking conviction. He argues that a previous annoying phone call charge was based upon his actions between December 2002 and February 2003, which was also the basis for the stalking conviction.

The doctrine of *res judicata* "precludes relitigation of a claim or issue once a final determination on the merits has been reached by a court of competent jurisdiction." Neff v. Commonwealth, 39 Va. App. 13, 18, 569 S.E.2d 72, 75 (2002) (citation omitted).

In March 2002 appellant and Bryson met at a church group and were friends. Starting in August 2002, Bryson asked appellant to stop contacting her, but appellant continued to send her emails, letters, gifts and calling her on the telephone. On February 9, 2003, Bryson went to the magistrate and the magistrate issued a warrant for annoying phone calls and a court date was set. Since appellant had not contacted Bryson for approximately three weeks prior to the court date, she dropped the charge due to deadlines at work. In March 2003, appellant resumed sending emails to Bryson, which were more sexual in nature and stated that he was watching her house. In April 2003, appellant was charged with stalking Bryson based upon his behavior between December 2002 and April 2003. Since Bryson dropped the annoying phone call charge, there was never a final determination on the merits. Appellant's stalking conviction was not barred by the principle of *res judicata*.

II. Appellant contends the evidence was insufficient to prove that Bryson was placed in a reasonable fear. He appears to argue that no "inference" of fear can be drawn from his conduct or his emails.

"On appeal, 'we review the evidence in the light most favorable to the Commonwealth, granting to it all

reasonable inferences fairly deducible therefrom."
Archer v. Commonwealth, 26 Va. App. 1, 11, 492 S.E.2d 826, 831 (1997) (citation omitted).

So viewed, the evidence proved appellant and Bryson met at a church group in March 2002. During a church Field trip in May 2002, appellant made sexual advances towards Bryson. Bryson left the church in the summer of 2002, and she asked appellant to stop contacting her. Bryson sent emails to appellant in August 2002, October 2002, December 2002, and in January 2003, telling appellant to leave her alone and to stop contacting her in any form, but appellant continued to send her emails. Appellant also mailed letters to her, telephoned her, sent gifts to her home and "staked out" her home. In February 2003, appellant telephoned Bryson's home and spoke to Timothy Wright, Bryson's friend. When Wright asked appellant to stop calling Bryson, appellant replied he would never stop and would continue even if the police were involved. Appellant also made crude sexual remarks about Bryson to Wright. Crystal Hall, Bryson's niece, was present when appellant called Bryson's home. Hall heard appellant state he was outside of Bryson's home, and when Hall looked outside, she saw appellant standing across from the home. On February 9, 2003, Bryson went to the magistrate, but the magistrate was only willing to issue a warrant for annoying phone calls. Appellant was served with the wan-ant and sent an email to Bryson regarding it. Appellant did not contact Bryson during the three weeks prior to the court date for the annoying phone call charge, and she dropped the charge due to deadlines at work. After Bryson dropped the charge, appellant sent letters to

Michael Haig, Bryson's boss, questioning Bryson's ability to attend court for the charge. Appellant also sent emails to Bryson during March 2003, which were more sexual in nature and stated that he was watching her house. Three of appellant's emails referred to a movie where a woman was killed during a violent sexual encounter. In April 2003, Bryson obtained a protective order against appellant. Bryson testified that appellant's behavior between December 2002 and April 2003 placed her in fear of bodily harm or criminal sexual assault. Approximately thirty emails he sent to Bryson, two letters he sent to Bryson and a log of his telephone calls to Bryson were admitted into evidence.

"The credibility of the witnesses and the weight accorded the evidence are matters solely for the fact finder who has the opportunity to see and hear that evidence as it is presented." Sandoval v. Commonwealth, 20 Va. App. 133, 138, 455 S.E.2d 730, 732 (1995).

"Intent is a state of mind that maybe proved by an accused's acts or by his statements and that may be shown by circumstantial evidence." Wilson v. Commonwealth, 249 Va. 95, 101, 452 S.E.2d 669, 673-74 (1995) (citations omitted).

"A person's conduct may be measured by its natural and probable consequences. The finder of fact may infer that a person intends the natural and probable consequences of his acts," Woolfolk v. Commonwealth, 18 Va. App. 840, 845, 447 S.E.2d 530, 532 (1994) (citation omitted).

"The judgment of a trial court sitting without a jury is entitled to the same weight as a jury verdict, and will not be disturbed on appeal unless plainly wrong or without evidence to support it." Beck v. Commonwealth, 2 Va. App. 170, 172, 342 S.E.2d 642, 643 (1986).

There was sufficient evidence to support the trial judge's verdict that appellant intended to place Bryson in fear of death, criminal sexual assault, or bodily injury. Bryson testified that appellant's behavior between December 2002 and April 2003 placed her in fear of bodily harm or criminal sexual assault. Bryson asked appellant to stop contacting her several times; however, appellant continued to call her, to watch her home and to send her emails. Appellant also contacted Bryson's employer and made crude sexual remarks to her friend after being asked not to contact Bryson. In March 2003, appellant sent Bryson three emails that referred to a movie where a woman was killed during a violent sexual encounter. The trial judge heard the testimony of the witnesses and observed their demeanor. At the conclusion of the evidence the trial judge necessarily determined that Bryson's testimony was credible and, based upon appellant's actions, he intended to place her in fear of death, criminal sexual assault, or bodily injury. The Commonwealth's evidence was competent, was not inherently incredible, and was sufficient to prove beyond a reasonable doubt that appellant was guilty of stalking in violation of Code § 18.2-60.3.

III. Appellant contends that the evidence of his emails was insufficient to prove knowledge or intent as

required under Code § 18.2-60.3. He appears to argue that there has never been a stalking conviction based solely upon email evidence and that his emails to Bryson showed love, affection and caring. Appellant concedes he never presented this argument to the trial court and invokes the ends of justice exception to Rule 5A: 18.

"[T]he ends of justice exception is narrow and is to be used sparingly. . . ." Brown v. Commonwealth, 8 Va. App. 126, 132, 380 S.E.2d 8, 11 (1989). "In order to avail oneself of the [ends of justice] exception, a defendant must affirmatively show that a miscarriage of justice has occurred, not that a miscarriage might have occurred." Redman v. Commonwealth, 25 Va. App. 215, 221, 487 S.E.2d 269, 272 (1997). "In order to show that a miscarriage of justice has occurred . . . the appellant must demonstrate that he or she was convicted for conduct that was not a criminal offense or the record must affirmatively prove that an element of the offense did not occur." Id. at 221-22, 487 S.E.2d at 272-73.

A review of the record shows that the conviction was based not only on appellant's emails to Bryson, but also based upon his letters, his telephone calls, his gifts and standing outside Bryson's home. Furthermore, three of his emails referred to a movie where a woman was killed during a violent sexual encounter. Appellant has failed to demonstrate that a miscarriage of justice has occurred to permit the invocation of the ends of justice exception of Rule 5A:18.

In the Assignments of Error and the Argument sections of his petition for appeal, appellant contends that his right to a fair trial was prejudiced; however, he failed to present this contention in the Questions Presented section of his petition for appeal. He appears to argue that Bryson's attorney initiated the stalking charge, that post-it notes and other written alterations on some of the emails prejudiced his rights, that his attorney was ineffective, that the Commonwealth's attorney misstated the evidence and that the trial judge erred in signing the Commonwealth's Statement of Facts.

Rule 5A:12(c) specifically provides that "[o]nly questions presented in the petition for appeal will be noticed by the Court of Appeals." Since appellant failed to include this issue in the questions he presented on appeal, this Court will not consider the issue.

This order is final for purposes of appeal unless, within fourteen days from the date of this order, there are further proceedings pursuant to Code § 17.1-407(D) and Rule 5A:15(a). If appellant files a demand for consideration by a three-judge panel, the demand should include a statement, not to exceed one typewritten page, identifying how- this order is in error.

This Court's records reflect that appellant is proceeding *pro se* in this matter.

A Copy,

Teste:

Cynthia L. McCoy, Clerk

By:

/s/

Deputy Clerk

IN THE CIRCUIT COURT OF HAMPTON CIRCUIT COURT - CRIMINAL,

TRIAL DATE: 10-30-03

MISDEMEANOR TRIAL ORDER

NAME: MATTISON, LAWRENCE

CASE NO.: 650CR03000910-00

SEX: M

RACE: B

DOB: 09/03/1960

SSN: 363-76-1121

ADDRESS: 34-1A TWIN LAKES CIR

HAMPTON VA 23666

DEFENSE ATTORNEY: James S. Thomas *waived*ATTY TYPE: Defender

CHARGE: STALKING

OFFENSE DATE: 12/01/2002

CODE SECTION: 18.2-60.3

(X) S.C. () C.C.

PLEA: () NOT GUILTY () JURY WAIVED
 () GUILTY TO AMENDED WARRANT () GUILTY AS CHARGEDCHARGE: StalkingCODE SECTION: 18.2-60.3 (1 S.C. () C.C.)FINDING: () GUILTY () WARRANT DISMISSED/NOLLE PROSEQUI
 () NOT GUILTY (ACQUITTED) () APPEAL/WITHDRAWN/AFFIRM
 () GUILTY OF LESSOR OFFENSECHARGE StalkingCODE 18.2-60.3SENTENCE: () 12 HOURS/DAYS/WEEKENDS/MONTHS JAIL() REPORT TO JAIL _____() JAIL SUSPENDED, ON 5 MOS/YRS GOOD BEHAVIOR() DRIVER'S LICENSE SUSPENDED _____ DAYS/MONTHS() FINE \$ _____ no contact whatsoever w/
 () COSTS \$ 134.00 Barbara Bryson and
 () C/A ATTORNEY \$ _____ all witnesses that
 () TOTAL \$ 134.00 testified in trial() ALLOWED UNTIL 11-30-03 TO PAY FINE/COSTS
JUDGE

**VIRGINIA: IN THE CIRCUIT COURT FOR THE
CITY OF HAMPTON**

DATE: October 14, 2003

JUDGE: Louis R. Leraer

COMMONWEALTH OF VIRGINIA

vs.

CASE NO.: 03-910-00

LAWRENCE MATTISON, DEFENDANT

OFFENSE	CODE SECTION	OFFENSE DATE
Stalking(F)	18.2-60.3	12-1-02

[ENTERED: October 14, 2003]

CRIMINAL ORDER

Attorney for the Commonwealth : Karen Rucker

Court Reporter : Virginia Giles

On the motion of the defendant requesting a Bill of Particulars, the Court doth deny the motion and notes the defendant's exception to the ruling of the Court.

/S/LOUIS R. LERNER
JUDGE

12a

Clerk:npi

Copy Teste

s/s
Clerk

VIRGINIA:

In the Supreme Court of Virginia held at the Supreme Court Building in the City of Richmond on Friday the 17th day of June, 2005.

Lawrence Mattison, Appellant,

against Record No. 042417
Court of Appeals
No. 3045-03-1

Commonwealth of Virginia, Appellee.

[ENTERED: June 17, 2005]

Upon a Petition for Rehearing

On consideration of the petition of the appellant to set aside the judgment rendered herein on the 18th day of March, 2005 and grant a rehearing thereof, the prayer of the said petition is denied.

Justice Keenan took no part in the consideration of this case,

A Copy,

Teste:

Patricia L. Harrington, Clerk
By:

/s/
Deputy Clerk

VIRGINIA: IN THE CIRCUIT COURT FOR THE
CITY OF HAMPTON

DATE: November 26, 2003

JUDGE: Christopher W. Hutton

COMMONWEALTH OF VIRGINIA

vs.

CASE NO.: 03-910-00

LAWRENCE MATTISON, DEFENDANT

OFFENSE	CODE SECTION	OFFENSE DATE
Stalking(M)	18.2-60.3	12-1-02

[ENTERED: November 26, 2003]

CRIMINAL ORDER

It appearing to the Court that the defendant, has filed a written motion for consideration of the judgment rendered on October 30. 2003, on numerous grounds slated herein.

The Court upon consideration of the motion doth find no sufficient reason for the requested reconsideration and doth deny said motion of the defendant, and notes the defendant's exception to the ruling of the Court.

S/CHRJSTOPHER W. HUTTON
JUDGE

Clerk:mlw

Copy Teste;

/s/
Clerk

Office of the Commonwealth's Attorney
Hampton, Virginia

236 NORTH KING STREET
COMMONWEALTH ATTORNEY

TELEPHONE 757-727-6442
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LINDA D. CURTIS
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JANE E. SHERMAN
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KAREN A. RUCKER
SENIOR ASSISTANT

SHAVAUGHN N. BANKS
ANTON A. BELL
ERIN L. DUGAN
MARA L. KANE
JAMES FRANICS MCKENZE
JILL M. RYAN
MADELINE H. STARK
NOAH WEISBERG
ASSISTANTS

December 1, 2003

James Bohnaker, Clerk
Circuit Court of the City of Hampton
PO Box 40
Hampton VA 23669

RE: Commonwealth v. Lawrence Mattison, Circuit
Court Part I Criminal Docket Mo.

Dear Mr. Bohnaker:

Please file the attached Statement of Facts with the above-referenced case for the court's review. A copy of this Statement has been mailed to the defendant/petitioner-Thank you for your assistance in this matter.

Sincerely,

/s/
Karen A. Pucker
Assistant Commonwealth's
Attorney

Attachment

**VIRGINIA: IN THE CIRCUIT COURT FOR THE
CITY OF HAMPTON, PART I**

**LAWRENCE MATTISON,
Petitioner**

Case No.

v.

**COMMONWEALTH OF VIRGINIA,
Respondent.**

STATEMENT OF FACTS

Lawrence Mattison and Barbara Bryson met in March 2002 through the Single's Ministry at the Mormon Church on Todd's Lane in Hampton. During

a field trip to Washington D.C. in Hay 2002, Mattison made inappropriate sexual advances towards Ms. Bryson when they were alone, so Ms. Bryson chose to end their friendship. Bryson left the church that summer (July 2002-August 2002) and asked Mattison to stop contacting her. She sent him emails in August 2002, October 2002, December 2002, and two in January 2003 telling Mattison to leave her alone and to stop contacting her in any form or she would contact the police. Copies of these emails were filed with the trial court as Commonwealth's exhibits.

Mattison continued to send Bryson emails, to mail her letters, to telephone her home, to send gifts and food to her home, and to "stake out" her home, leaving her email messages and phone messages letting her know that he'd been watching her and her home. Mattison was also sending emails to her job. Approximately 30 emails, a telephone log of phone calls, and copies of two letters sent by Mattison were all filed with the court as Commonwealth's exhibits.

In February 2003, Mattison spoke with a male friend of Bryson's, Timothy Wright, over the telephone one day after Mattison would not stop calling Bryson. When Wright asked Mattison to stop calling Ms. Bryson, Mattison said he would never stop and would continue even if the police were involved. Mattison also made crude sexual remarks about Bryson to Wright. Crystal Hall, Bryson's niece, was present at Bryson's home when Mattison would not stop calling. Hall heard Mattison say that he was outside of Bryson's home, and Hall looked outside and saw Mattison standing across from the home. Mattison was

still standing outside the home when Hall left the residence.

In March 2003, Bryson went to the magistrate and told him what was going on; the magistrate was only willing to issue an annoying phone calls warrant, and Mattison was served with this. Mattison became very angry about this, which was evident by the angry emails he sent regarding this. Three weeks prior to the court date for that charge, Mattison had not contacted Bryson, and Bryson was facing deadlines at work, so Bryson dropped the annoying phone calls charge against Mattison.

Mattison then began sending letters to Bryson's boss, Michael Haig, questioning Bryson's availability to come to court for the annoying phone calls charge. Mattison also brought a civil suit against Bryson to recover his attorney's fees that he spent for that charge. His suit was dismissed.

Mattison continued to send emails, etc. to Bryson through the end of March 2003, and they began to become more sexual in nature, describing her as woman involved in sexual relations with numerous men, and Mattison said he "just wanted to be on her list" of men. Mattison also made reference to a movie about such a woman who was violently killed during a sexual encounter - "booking For Mr, Goodbar", saying that the movie reminded him of their relationship. Mattison also sent emails about sexual fantasy/dreams he had about Bryson.

In April 2003, the General District Court for the City of Hampton entered a civil protective order ordering Mattison to have no contact with Bryson, Hall, Wright, or Bryson's employer Haig.

Bryson testified that Mattison's behavior during this period of time from December 2002 through April 2003 placed Bryson in fear of bodily harm or criminal sexual assault, and that she wanted Mattison to leave her alone.

CERTIFICATE

I certify that I mailed a true copy of this Statement of Facts to Defendant/Petitioner Lawrence Mattison at 34-1A Twin Lakes Circle, Hampton VA 23666 on this 1st day of December, 2003.

/s/

Karen A. Pucker
Assistant Commonwealth's
Attorney
236 North Kings Street
Hampton VA 23669

REQUEST FOR CONTINUANCE

RE: Bryson, Barbara
 (COMP/OFFICER)
 VS:
Moffison, Lawrence
 (DEFENDANT)

GRANTED _____
 DENIED _____

COURTROOM (CIRCLE ONE) TIME

A C D 8:30 9:30
 10:30 11:00
 1:00

TRIAL DATE 3-13-03
 DOCKET # C034288

REQUEST MADE BY: (CIRCLE ONE) DEF. COMPL. ATTY. WITNESS

ATTY FOR DEF. _____ ATTY FOR COMPL. _____

PHONE # IF ATTY NOT LOCAL _____ OTHER _____

NEW DATES REQUESTED BY ATTORNEY _____

REASON FOR REQUEST: IF HOSPITAL IF FUNERAL

D states she can not take off work.
 NAME OF HOSPITAL RELATIONSHIP
And her witnesses can not be here.
 DATES OF CONFINEMENT DATE OF FUNERAL

* Def has not been advised to see - Yes or No
 (MUST BRING PROOF OF HOSPITAL/FUNERAL TO COURT ADVISED YES NO PUSINE

WITNESSES INVOLVED: *YES NO

* ATTORNEY MAKING REQUEST, THEY MUST NOTIFY WITNESSES.

* IF DEFENDANT/COMPLAINANT MAKING REQUEST--CANNOT TAKE REQUEST, JUDGE MUST BE DONE IN COURT, UNLESS HOSPITAL CONFINEMENT OR FUNERAL.

I HAVE ADVISED DEFENDANT/COMPLAINANT THAT ONLY THE JUDGE CAN GRANT A CONTINUANCE AND THE POSSIBILITY OF A WARRANT BEING ISSUED OR BEING TRIED IN THEIR ABSENCE.

I HAVE ADVISED REQUESTING PARTY TO CALL BACK AND CHECK NEW DATE---THEIR RESPONSIBILITY---NOT THE COURTS.

3-12-03

DATE

8:45

TIME

S. Smith

DEPUTY CLERK

FCRM RC. 9 02/97

I CERTIFY THAT THE DOCUMENT, IN WHICH THE ATTERTIFICATION IS AFFOUD, IS A TRUE COPY OF A RECORD IN THE HAMPTON GENERAL DISTRICT COURT, THAT I HAVE CUSTODY OF THE RECORD, AND THAT I AM THE CUSTODIAN OF THE RECORD.

J. Smith
 Date

J. Smith
 CLERK/DEPUTY CLERK

ANT TO ARREST - MISDEMEANOR (STATE)
Criminal B

CITY OR COUNTY

General District Court Criminal Traffic

Juvenile and Domestic Relations District Court

ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, or about 12/01/2002 to 04/01/2003 did unlawfully in violation of Section 18.2-60.3

Code of Virginia

more than one occasion engage in conduct directed at BARBARA JEAN RYSON with the intent to place, or when the accused knew or reasonably should have known that the conduct placed such person in reasonable fear of death, criminal sexual assault, or bodily injury to that person or to that person's family or household member.

Case #03-0402-0P7

The undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

BRYSON, BARABRA JEAN

Complaint

Accordum by summons

permitted at officer's discretion not permitted

04/02/2003 09:25 AM

DATE AND TIME ISSUED

Thomas P. Chisholm, Jr., Magistrate
Thomas P. Chisholm, Jr., Magistrate

SUMMONS (If authorized above and by serving officer)

You are hereby summoned to appear before this court located at

Off

St

AM/PM

I promise to appear in accordance with this Summons and certify that my mailing address as shown at right is correct. CCNE May be Required

STALKING

WARNING TO ACCUSED: You may be tried and convicted in your absence if you fail to appear in response to this Summons. Willful failure to appear is a separate offense.

SIGNING THIS NOTICE DOES NOT CONSTITUTE AN ADMISSION OF GUILT.

CASE NO. 03 009240

ACCUSED

MATTISON, LAWRENCE

LAST NAME, FIRST NAME, MIDDLE NAME

34-1A TWIN LAKES CIRCLE

ADDRESS/LOCATION

HAMPTON, VA. 23666

HEARING DATE
AND TIME

Plaintiff B 5/10/03

"B"

4/11/03

8:30 AM

03/00-3-726

Dpred

Am 19-03 8:30 AM

Apres

4/24/03 8:30 AM

Apres

5/11/03 8:30 AM

Apres

5/11/03 8:30 AM

Apres

5/11/03 10:00 AM

Apres

5/11/03 10:00 AM

Apres

5/11/03 10:00 AM

Apres

5/11/03 10:00 AM

BALANCE		NAME		COMPUTED DATA BELOW IF KNOWN					
AMOUNT	PERIOD	NAME	PERIOD	AMT	PERIOD	AMT	PERIOD		
B	M	9	3	60	6	01	200	BR	BLW
363 76-1121									

Commonwealth of Virginia

WARRANT OF ARREST

CLASS MISDEMEANOR

- EXECUTED by arresting the Accused named above on this day:
- EXECUTED by summoning the Accused named above on this day:
- For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

4/2/03 1055

DATE AND TIME OF SERVICE

B. Burr's

Signature

564 HPD VA 1110000

BADGE #, AGENCY AND PURSUITS, IF ANY

64

SHERIFF

Attorney for the Accused:

5/11/03

James G. Morris, Jr.

WarSum

052GC-HM10314835

Si 255-50

21a

The Accused was this day:

- tried in absence
 present

Rubber

PROSECUTING ATTORNEY PRESENT (NAME)

Thomas

DEFENDANT'S ATTORNEY PRESENT (NAME)

NO ATTORNEY

ATTORNEY WAIVED

If convicted, no jail sentence will be imposed

Translator/Interpreter present:

Plea of Accused:

not guilty witnessess swore

no contest

guilty

Plea Bargain Plea and Recommendation

And was TRIED and FOUND by me.

not guilty

guilty as charged

guilty if

facts sufficient to find guilt but defer adjudication
Disposition and place accused on probation, §§
4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2. Costs
imposed upon defendant.

and was FOUND by me to be.

driving a commercial motor vehicle

carrying hazardous materials

I ORDER a nolle prosequi on prosecution's motion

I ORDER the charge dismissed

conditioned upon payment of costs (court and
satisfaction), § 19.2-151

conditioned upon payment of costs and successful
completion of traffic school § 16.1-69.4B:1

under §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

8/18/03
DATE

I impose the following Sentence:

FINE CIVIL PENALTY of \$ 500

with 3 suspended

JAIL sentence of 10 days imposed
with all suspended conditioned
upon being of good behavior and keeping the peace, and
paying fines and costs. Pursuant to § 53.1-187, credit is
granted for pre-trial detention.

Serve jail sentence beginning

on weekends only

Work release authorized if eligible required
 Work release not authorized

PROBATION 6m
 VASAP local community-based probation program

DRIVER'S LICENSE suspended

Restricted Driver's License per attached order

Ignition Interlock for

RESTITUTION of \$ 500
due by _____ payable to _____
with interest thereon from _____

as condition of suspended sentence

hours of community service to be performed
for _____

to be credited against fines and costs

Contact prohibited between defendant and victim/
victim's family or household members

Other: D is not today on

Bail on Appeal
 Remanded for COMMUNICATOR, who has written (specify)

DRIVERS LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA
SUSPENDED EFFECTIVE IN 6 DAYS IF FEES NOT PAID
FORFEITURES, PENALTIES OR RESTITUTION ARE NOT PAID
Va. Code § 46.2-375

offset TOTAL 500

500 59 64

JUDGE

CRIMINAL COMPLAINT
Commonwealth of Virginia

RULES 3A.3 AND 10.3

Print ALL information clearly:

Hughes
CITY OR COUNTY

- General District Court
 Juvenile and Domestic Relations District Court

Under penalty of perjury, I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

DEC '02 - APRIL '03..... in the City County Town

DATE OFFENSE OCCURRED

of HAMPTON

I base my belief on the following facts:

Mr. Morrison has repeatedly threatened or made me, approached...
my home by vehicle... and in fact, delivered unwanted gifts,...
and other acts that cause me to fear for my personal safety.
Based on the repetition and contents of the communications of
Mr. Morrison, I fear for my life and the safety of other members
of my household... I also fear Mr. Morrison may sexually assault me...
The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

- By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued
- The charge in this warrant cannot be dismissed except by the court, even at my request.

Bryson Barbara Jean
NAME OF COMPLAINANT (LAST, FIRST, MIDDLE)
(PRINT CLEARLY)

Subscribed and sworn to before me this day.

4/15/03 - 9:17 AM
DATE AND TIME

Bryson
SIGNATURE OF COMPLAINANT

H. P. May
CLERK/JUDGE/DEPUTY CLERK

CASE 03-0402-007

CRIMINAL COMPLAINT

ACCUSED: Name, Description, Address/Location

MARRISON, LARRY (Lawrence)
LAST NAME, FIRST NAME, MIDDLE NAME

34-1A Twin Lakes Circle
HAMPTON, VA 23666

COMPLETE DATA BELOW IF KNOWN

SEX	WT	HTH	BLK	BLW	BLD	BLR	BLG	BLH	BLJ	BLK	BLM	BLP
<u>B</u>	<u>M</u>	<u>160</u>	<u>6'1</u>	<u>200</u>	<u>Blk</u>							

I, JUDGE H. P. MAY, WITNESS THE AFFIDAVITATION
IS A TRUE STATEMENT COPY OF A RECORD IN THE CLERK'S
GENERAL DISTRICT COURT THAT I HAVE JURISDICTION OF THE RECORD,
AND THAT I AM THE CUSTODIAN OF THAT RECORD.

3-15-03
DATE

Judge May
CLERK/DEPUTY CLERK

Subj: Movie
Dale: 1/18/2003 2:12:54 PM Eastern Standard Time
From: larry mattison <la5matt@yahoo.com>
To: brysonbj@aol.com
Sent from the Internet (Details)

Hi Barb

There's a movie that Describes OUR situation. Its called....

LOOKING FOR MR. GOODBAR. It's a seventies flick but a VERY interesting one I might say. I don't remember how it went but the title says it all....*want it???*

Take care

Criminal 18

11004208

CASE NO.

03 004208

RECEIVED IN THE COURT
AND TIME

Mar - Thurs 1:00 PM

"B"

FEB 24

100PM

bores Tales

3/13/03 1:00P

(T)

General District Court
236 North King Street

Hampton, VA 23669-0070

SUPERIOR ADDRESS OF CIRCUIT

Juvenile and Domestic Relations District Court

STREET ADDRESS OF CIRCUIT

TO THE ACCUSED:

You are hereby commanded to appear before this Court on

DATE AND TIME OF APPEARANCE

To answer the charge that on or about 02/09/2003

DATE

at this Town or

X CITY COUNTY you did unlawfully

with or without the intent to communicate but with intent to annoy another person, causes a telephone or digital pager not owned by the accused to ring or to otherwise signal, or permit or condone the use of a telephone under the control of the accused for such purpose.

in violation of Section 18.2-429

Code of Virginia or 961

Ordinances of this City, County, or Town

You must appear in court at the time and place shown above and to appear at all other times and places and before any court or judge to which this case may be rescheduled, continued, transferred or appealed.

WARNING TO THE ACCUSED: You may be tried and convicted in your absence if you fail to appear in response to this summons. Willful failure to appear is a separate offense.

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of

DRYSON, BARBARA J.

02/10/2003 11:52 AM

DATE AND TIME STAMPED

HARRASSING PHONE CALLS

Thomas P. Chapman, Jr., Magistrate

APPEAL BY
MATTISON, LAWRENCE

LAST NAME, FIRST NAME, MIDDLE NAME
34-1A TWIN LAKES CIRCLE,
HAMPTON, VA 23666

To be completed upon service

Mailing address Same as above



STATION OF THE MAGISTRATE OR CLERK
D.M. 9 3 60 5.11 400 DR OLD
363-76-1121

Commonwealth of Virginia
 CITY COUNTY TOWN of

SUMMONS
CLASS MISDEMEANOR

EXECUTED by delivering a true copy of this summons to the Accused in person today.

For legal entities other than individuals, service pursuant to Va. Code § 19.2-76.

The Accused certified to me the above mailing address.

2/10/03 11:52

J. BAER

SUPERVISOR

768 HED 110000

BAIL/DET. SECURITY AND DETERRENT

Attorney for the Accused:

A. A. Thomas Jr. 2-20-03

WAR/SDU
0526IC-1HM10312115

tried in absence
 present

PROSECUTING ATTORNEY PRESENT (NAME)

DEFENDANT'S ATTORNEY PRESENT (NAME)

- NO ATTORNEY
 ATTORNEY WAIVED
 If convicted, no jail sentence will be imposed
 Translator/Interpreter present:

NAME

Plea of Accused:

- not guilty witness swears
 guilty as charged
 guilty of _____
 facts sufficient to find guilty but defer adjudication/disposition and place accused on probation, §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2. Costs imposed upon defendant.
And was FOUND by me to be:

- driving a commercial motor vehicle
 carrying hazardous materials

- FORFEIT a null prosecution on prosecution's motion
 ORDER the charge dismissed
 conditional upon payment of costs (accord and satisfaction), § 19.2-151
 conditional upon payment of costs and successful completion of traffic school § 16.1-69.4B.1
 under §§ 4.1-305, 18.2-57.3, 18.2-251 or 19.2-303.2.

3-13-03
DATE

- FINE CIVIL PENALTY of \$ _____ with \$ _____ suspended
- JAIL sentence of _____ imposed with _____ suspended conditioned upon being of good behavior and keeping the peace, and paying fines and costs. Pursuant to § 53.1-187, credit is granted for pre-trial detention.
- Serve jail sentence beginning on weekends only
- Work release authorized if eligible required Work release not authorized
- on PROBATION for VASAP local community-based probation program
- DRIVER'S LICENSE suspended
- Restricted Driver's License per attached order Ignition Interlock for _____
- RESTITUTION of \$ _____ due by _____ payable to _____ with interest thereon from _____ as condition of suspended sentence
- _____ hours of community service to be performed for _____ to be credited against fines and costs
- Contact prohibited between defendant and victim/victim's family or household members
- Other: _____
- Bailiff Appeal \$ _____
- Remanded for CCRC Report

DRIVER'S LICENSE/PRIVILEGE TO DRIVE IN VIRGINIA SUSPENDED/EFFECTIVE IN 15 DAYS IF FINES, COSTS, FORTRESS RES. PENAL FEES OR RESTITUTION ARE NOT PAID. Va. Code § 46.2-393

CELR
RIDGE

LOCALITY

COSTS

112 } PROCESSING FEE

140 } 143 DOAF

113 WITNESS FEE

113 SENTENCE FEE

113 DRUG ANALYSIS FEE

113 IGNITION INTERLOCK

113

120 CT. APPT. ATTY

125 WEIGHING FEE

133 BLOOD TEST FEE

137 TIP

223 LIQUIDATED DAMAGES

229 CRIM

234 JAI

244 CHSF

245 NON-CONSEL JAIL FEE

OTHER (SPECIFY): _____

TOTAL \$

I CERTIFY THAT THIS DOCUMENT, TO WHICH THIS AUTHENTICATION IS AFFIXED, IS A TRUE COPY OF A RECORD IN THE HAMPTON GENERAL DISTRICT COURT, THAT I HAVE CUSTODY OF THE RECORD, AND THAT I AM THE CUSTODIAN OF THAT RECORD.

1-3-04

Ridge

CIMINAL COMPLAINT
Commonwealth of Virginia

PAGES IS - AND IS P

Print ALL information clearly.

Hanover
CITY OF HANOVER

General District Court

Juvenile and Domestic Relations District Court

Under penalty of perjury, I, the undersigned Complainant swear or affirm that I have reason to believe that the Accused committed a criminal offense, on or about

18th A. 2009

in the State of Virginia, in the County of Hanover

STATE DEFENDER OR COUNSEL
BENEDICT, J.

I base my belief on the following facts:

Very Recently a former Client you, representative, has been asked repeatedly not to contact me, in any way, both written and by email. This person calls and emails me, twice, more frequent, i scarcely expect... The address of this person, all of, home, place, number, I know, is 1000 1/2 10th Street, Hanover, while standing on the street in front of my house, can be myself seen 18th A. 2009.

The statements above are true and accurate to the best of my knowledge and belief.

In making this complaint, I have read and fully understand the following:

- By swearing to these facts, I agree to appear in court and testify if a warrant or summons is issued.
- The charge in this warrant cannot be dismissed except by the court, even at my request.

M. Meyer, Esquire, P.C.
HANOVER COMPLAINANT & ATT FIRST ATTORNEY
(PRINT CLEARLY)

Subscribed and sworn to before me this day

J. P. Williams

DATE AND TIME

IN THE COURT OF COMMONWEALTH

electro. filing
SIGNATURE OF COMPLAINANT

J. P. Williams
CLERK, MAGISTRATE JUDGE

CIMINAL COMPLAINT

ALLEGED: Name, Description, Address, Education

B. WILHELM, LARITA E.
LAST NAME, FIRST NAME, MIDDLE NAME

34-1A Twin Valley Circle

Hanover, VA 23070

COMPLETED DATA BELOW IF APPLICABLE

EMP	SSN	BORN	G	ED	ED L	ED R
B	M	10/21/88	W	10	B	High School

I CERTIFY THAT THE DOCUMENT TO WHICH THIS AFFIDAVIT
IS ATTACHED IS A TRUE COPY OF A WARRANT OR SUMMONS
ISSUED BY A DISTRICT COURT, THAT I HAVE CONTROL OF THE RECORDS,
AND THAT I AM THE CLERK OF THE COURT.